United Nations A/C.3/55/SR.18

General Assembly
Fifty-fifth session

Official Records

Distr.: General
20 March 2001
English
Original: French

Third Committee

Summary record of the 18th meeting
Held at Headquarters, New York, on Wednesday, 11 October 2000, at 10 a.m.

Chairperson: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

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00-68326 (E)

The meeting was called to order at 10.20 a.m.

Agenda item 110: Promotion and protection of the rights of children (A/55/41, A/55/201, A/55/297, A/55/442, A/55/162-S/2000/715, A/55/163-S/2000/712 and A/55/467-S/2000/973)

1. **Mr. Otunnu** (Special Representative of the Secretary-General for Children and Armed Conflict) said that his report on the protection of children affected by armed conflict (A/55/442) and the report of the Secretary-General on children and armed conflict (A/55/163-S/2000/712) were complementary and covered the situation during the first tranche of his mandate, which had just been extended for a further three years. During that first period, the international community had registered tangible progress in the protection of children affected by armed conflict. The Security Council, in resolution 1261 (1999), had affirmed that the fate of children affected by armed conflict legitimately belonged to its agenda; in the space of a few years, major regional organizations had come to embrace that issue as part of their own agendas, although for a long time they had not seen it as belonging to their province of action. The new Partnership Agreement between the Group of African, Caribbean and Pacific Countries (ACP) and the European Union, signed in June 2000, included for the first time provisions on child rights and war-affected children. Over the past few years, a number of Governments had made the protection of children affected by armed conflict a prominent feature of their domestic and international policies. Lastly, a key element of the work of his mandate had been efforts to mobilize international public opinion, through the media and various public forums, in behalf of such children.

2. During the past three years, after a period in which children had been absent altogether from peace agendas, child protection had been explicitly mentioned in peace agreements in Northern Ireland, Sierra Leone and Burundi, and they were also on the agenda in current peace negotiations involving the Sudan and Colombia. In another significant development, the Security Council had agreed to incorporate the protection of children affected by conflicts in peacekeeping mandates. The establishment of the role of child-protection advisers in United Nations peacekeeping operations was an important innovation. Child-protection sections had now become an established feature of reports submitted to the Security Council on specific conflict situations as well as on thematic concerns.

3. The country visits by the Special Representative had helped to draw attention to the situation of children exposed to armed conflict. Through direct engagement and field visits, important commitments for the protection of children had been secured from parties to conflicts. On many occasions, that had perhaps been the first time that the parties had given any undertaking to observe humanitarian and human-rights standards, especially with regard to children. The major challenge now was how to monitor and enhance adherence to those commitments, and to focus on making the needs of children a central concern in policy-making, priority-setting and resource allocation, as was already the case in East Timor, Sierra Leone, Kosovo and Guatemala. Several new instruments for children's protection had been developed, including the Rome Statute of the International Criminal Court, the African Charter on the Rights and Welfare of the Child, Convention No. 182 of the International Labour Organization (ILO) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; and the Optional Protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflict. He urged all Governments to sign and ratify that Protocol speedily, and expressed the hope that by May 2001 it would enter into force.

4. Efforts must now be made to end child soldiering on the ground. For the overall progress achieved in that area, he applauded the work of the non-governmental organizations.

5. He had been placing particular emphasis on promoting collaboration within the United Nations system, leading to a number of collaborative initiatives, particularly with United Nations partners, United Nations country teams and non-governmental organizations. Much remained to be done if the initiatives and gains achieved through the work of his first mandate were to be embodied in the policies and programmes of the United Nations system.

6. During the next three years, emphasis must be placed on consolidating the progress made and on monitoring and controlling illicit trade in natural resources that fuelled conflicts, the victims of which were disproportionately children. As part of that effort,

he would be working with non-governmental organizations and youth groups on mounting a vigorous campaign against "conflict diamonds"; on providing effective materials and programmes for training peacekeeping personnel; on research to fill certain gaps in knowledge which hampered intervention in behalf of children affected by armed conflict; and on involving young people more in the movement for the protection of children affected by armed conflict.

7. Lastly, the international community must be mobilized to address the special needs of girls affected by conflict, internally displaced children, the liberation of abducted children, the provision of education for children affected by armed conflict, the impact of sanctions on children, and measures to address the rapid spread of HIV/AIDS in areas of armed conflict.

8. Beyond that agenda for action, the collective ambitions of Governments, United Nations partners and non-governmental organizations must be to channel the various actions into a critical mass of activities in behalf of children affected by armed conflicts, with the aim of building a culture of protection and response in behalf of such children which should become self-sustaining beyond the lifespan of the current mandate; to move from an "era of elaboration" of international norms to an "era of application" of those norms and systems of local values that would provide for the protection of children affected by armed conflict; and lastly, to ensure that the international community's activities gave rise to a major social and political movement for the protection of those children. In that enterprise, the Office of the Special Representative would continue to play its role as advocate, catalyst, convenor, facilitator and cheerleader for the work being done at the policy level and on the ground.

9. **Mr. Roberfroid** (Deputy Executive Director, United Nations Children's Fund) said that, 10 years after the entry into force of the Convention on the Rights of the Child, child rights were now recognized as human rights, to be ensured by adult society as a matter of legal obligation, moral imperative and development priority. The Convention provided the legal foundation and the principles that guided UNICEF's actions for children at the country, regional and international levels. Its effort in support of the implementation of the Convention had also made it clear that the realization of the rights of children depended not only on what Governments did, but also on the mobilization of the broadest possible range of partners within the United Nations system, in civil society and, increasingly, in the private sector.

10. The very success of the Convention in attracting commitment to the cause of children's rights had created a prodigious challenge and also a massive workload for the Committee on the Rights of the Child, which continued to play a vital role in promoting concrete changes in law, policy and practice. UNICEF wished, once again, to urge States parties to accept, if possible by the end of 2000, the proposed amendment to paragraph 2 of article 43 of the Convention for an increase in the membership of the Committee from 10 to 18.

11. UNICEF continued to encourage States parties to sign and ratify the two Optional Protocols to the Convention adopted by the General Assembly in May 2000. To date, the Optional Protocol on the involvement of children in armed conflict had been signed by 70 states and ratified by 3; and the Optional Protocol on the sale of children, child prostitution and child pornography had been signed by 64 States and ratified by 1.

12. Reflecting on the challenges that had impeded progress in the implementation of the Convention on the Rights of the Child since its entry into force 10 years earlier, he said that, as a result of war, millions of children had died or had been injured or left homeless, and those who survived suffered the long-lasting psychological effects of the brutality of war, in which they were sometimes forced to participate. It was estimated that 300,000 children were currently participating directly in conflicts. Children were the first to suffer from the poverty, malnutrition and ill health that resulted from the ravages of war, and some 20 million children were displaced. Their most basic rights to survival, well-being and development had been gravely threatened.

13. The adoption by the Security Council in August 1999 of resolution 1261 on children in armed conflict illustrated the growing visibility of children in international discussions of peace and security. In September 2000, in Winnipeg, the International Conference on War-Affected Children had represented the largest-ever gathering of Governments, experts, academics, non-governmental organizations and young people, leading to a whole series of recommendations and commitments set out in language that was clear,

concise and innovative. UNICEF's endeavour in that field was illustrated by its recent publication of *UNICEF Actions in behalf of Children Affected by Armed Conflict*. The special session of the General Assembly to be held in 2001 as a follow-up to the World Summit for Children should mark a new commitment to move from words to deeds.

14. Currently, some 40 per cent of all children in developing countries still struggled to survive on less than $1 a day. Poverty caused lifelong damage to the minds and bodies of children, who were likely to pass poverty on to their own children. That vicious circle would remain unbroken for as long as countries continued to underinvest in basic social services; many poor countries spent more on debt servicing – in some cases three to five times more – than on basic services. In the Millennium Assembly, Member States had declared their commitment to put an end to poverty; what now remained was the move from words to deeds.

15. A booklet entitled *Poverty Reduction Begins with Children*, published earlier in 2000, showed how UNICEF and its partners were working to improve primary health, education, infrastructure and child protection, thereby contributing to poverty reduction and the fulfilment of human rights.

16. In sub-Saharan Africa, some 500,000 children under 15 were HIV positive. Some 3.2 million children under 15 had died from AIDS since the beginning of the pandemic, and child mortality was likely to double in the worst-affected countries by 2010. The number of children orphaned by AIDS was expected to reach 40 million by 2010, most of whom would be in sub-Saharan Africa.

17. In 1998, UNICEF had identified five priority areas in which to focus its efforts and resources to confront the pandemic: to bring the magnitude of the problem of HIV/AIDS to the attention of policymakers at all levels; to prevent HIV infection among young people by working with them to ensure that they had the requisite knowledge and access to services; to prevent the transmission of the HIV virus from mothers to their children (UNICEF, together with the World Health Organization (WHO), the United Nations Population Fund (UNFPA) and the UNAIDS secretariat, was currently supporting pilot programmes to prevent mother-to-child transmission in 12 countries); to strengthen the capacity of families and communities to respond to the needs of orphans and vulnerable children; and to implement workplace initiatives with UNICEF staff to strengthen prevention and provide support and services for staff and dependants affected by HIV/AIDS.

18. To prepare for the forthcoming special session of the General Assembly on children as a follow-up to the 1990 World Summit for Children, UNICEF was engaged in a broad consultative process which was to be informed by the most recent scientific knowledge; by a review of progress in the implementation of the World Summit Declaration and Plan of Action; and by its 10 years of experience in implementing the Convention. Three key objectives had already been proposed, sequenced along the life cycle of the child: that all infants began life in good health and that young children were nurtured in a caring environment; that all children had access to quality basic education; and that adolescents had the opportunities to develop into caring and responsible citizens. UNICEF believed that in just a few years the determined pursuit of those goals could decisively advance the realization of the rights of children, provided there was determined and concerted action against conflict, poverty and HIV/AIDS. Meeting those challenges would require wholehearted efforts on the part of Governments to fulfil the commitments they had made under international instruments and their recognition of the health, development and well-being of the world's children as the main criteria for measuring global progress.

19. **Ms. Stamatopoulou-Robbins** (Deputy Director, New York Office of the High Commissioner for Human Rights (UNHCHR)) said that, despite the increased attention to children's rights in the world, children still too often suffered from very grave forms of abuse, violence and exploitation. On entering the second decade of implementation of the Convention on the Rights of the Child, all parties must urgently address those challenges.

20. Regarding the status of the Convention, as at 9 October 2000, 191 States had ratified or acceded to it. Furthermore, on 25 May 2000 the General Assembly had adopted two optional protocols relating respectively to the involvement of children in armed conflict and the sale of children, child prostitution and child pornography. The Protocols had been signed or ratified respectively by 73 States and 65 States.

21. The biennial report of the Committee on the Rights of the Child, submitted to the General Assembly at the current session, covered six sessions held between January 1998 and January 2000. During that period, the Committee had considered reports from 36 States parties and had adopted two recommendations, on children in armed conflicts and on the administration of juvenile justice. It had also organized two discussion days: one on children living in a world with HIV/AIDS; and the other on State violence against children, during which it had recommended that the Secretary-General should be requested, through the General Assembly, to conduct an in-depth international study on violence against children. The Committee had, furthermore, continued to follow up themes discussed in previous thematic debates, namely issues of children and the media, and children with disabilities.

22. Thus far, out of 153 initial reports and 43 periodic reports of States parties, the Committee had reviewed 137. Having for some time already been systematically searching for ways and means to decrease that backlog, it had recently adopted two measures to that end. At its twenty-second session, the Committee had decided to increase its working pace by considering nine reports per session instead of the previous six. During its twenty-third session, the Committee had organized an informal meeting to encourage those States parties that had not yet done so to accept the amendment to article 43, paragraph 2, of the Convention on the Rights of the Child regarding the increase in the membership of the Committee from 10 to 18. Once enlarged, the Committee should be in a better position to cope with its heavy workload and keep up with the expectations of States, United Nations agencies and other partners. As of 9 October 2000, 92 States out of the required 120 needed for it to enter into force had formally accepted the amendment.

23. The Committee was closely associated with preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and was engaged in drafting a general comment on article 29 of the Convention on the Rights of the Child, concerning education. The Committee was also actively involved in preparations for the special session of the General Assembly to be held in 2001 to review the achievements of the World Summit for Children.

24. The Office of the High Commissioner devoted particular attention to children affected by armed conflict, partly in the context of its commitment to the integration of a child-rights dimension into every aspect of its work, and partly through specific activities focusing on the protection of children's rights in conflict situations, which were closely linked to the implementation of the recommendations put forward by Graça Machel in her study on the impact of armed conflict on children. That critical study had focused on progress achieved and obstacles arising in the enhancement of the protection given to children affected by armed conflict. The Office was currently finalizing a field guide for human-rights staff working in the field, giving attention to armed conflict situations and joint human-rights training initiatives with some regional organizations such as the Organization for Security and Cooperation in Europe (OSCE), which were being expanded to include a focus on the situation of such children. The Office was currently elaborating guidelines intended to assist UNHCHR staff, special rapporteurs and representatives in adopting a child-rights perspective in the implementation of their mandates, and was providing information on violations of children's rights in situations of armed conflict to the Commission on Human Rights and human-rights-treaty bodies.

25. The High Commissioner had been very active in her support of non-governmental organizations working to address the situation of children in armed conflict. The Office had, in particular, worked closely with the non-governmental organization Coalition to Stop the Use of Child Soldiers, and had participated in regional conferences organized by that organization.

26. The Office of the High Commissioner encouraged the early ratification by States of the Optional Protocol on the involvement of children in armed conflict, and would provide expert assistance to the Committee on the Rights of the Child for the future consideration of State party reports on implementation of the Protocol.

27. The Office maintained extensive cooperation with the Office of the Special Representative of the Secretary-General for Children and Armed Conflict. During the past year, it had helped in elaborating the terms of reference and the creation of a candidate pool for child-protection advisers, who would be increasingly serving with United Nations peacekeeping operations. It had also joined in elaborating a joint pilot child-rights training initiative for peacekeeping

operations staff and had exchanged information with Geneva-based partners and the Office of the Special Representative.

28. Through its field presence in regions of armed conflict, the Office conducted human-rights investigations, monitoring, reporting and technical cooperation, focusing at times on the specific situation of children.

29. During the current year, the Special Rapporteur on the sale of children, child prostitution and child pornography had focused on the role of the family, noting that exploitation could be traced back to the familial situation. Her report to the General Assembly at the current session and the report she had submitted to the Commission on Human Rights at its fifty-sixth session, in 2000, further developed that role in depth.

30. During 2000, the Special Rapporteur had started to examine the role of the business sector in the protection of the rights of children under her mandate. She had noted the many initiatives which firms had taken concerning children. She had written to chambers of commerce and non-governmental organizations around the world, and warmly welcomed the enthusiasm with which the International Chamber of Commerce had greeted her proposal. She had thoroughly briefed the seventh annual meeting of special rapporteurs on that question, which they might again take up in 2001.

31. In 2000, the Special Rapporteur had carried out two field missions, one to Morocco and another to the Russian Federation, at the invitation of the two Governments. The reports on those missions would be submitted to the Commission on Human Rights at its fifty-seventh session.

32. The challenges posed to the United Nations on the issue of children's rights were monumental. The Office of the High Commissioner stood firm in its determination to work closely with all its United Nations partners, in particular UNICEF, the Office of the Special Representative for Children and Armed Conflict, the Committee on the Rights of the Child, the Special Rapporteur on the sale of children, child prostitution and child pornography, as well as Governments and non-governmental organizations to promote fulfilment of those rights.

33. **Ms. de Carné** (France) noted with regret the absence of the Special Rapporteur on the sale of children, child prostitution and child pornography. She observed that there was no possibility of direct recourse by the individuals concerned before the Committee on the Rights of the Child in cases of violation of the new age-limit provided by the Optional Protocol on the involvement of children in armed conflict. She noted that the Protocol differed from the Convention itself, which provided for individual recourse. She asked how, in such a situation, it was possible to ensure observance of the Protocol by States and non-State groups. Her delegation wondered whether the Special Representative would be able to report on that subject and whether UNICEF and the Office of the High Commissioner for Human Rights would be called upon to participate in the implementation of the Protocol.

34. Regarding the Special Court for Sierra Leone, especially with regard to the treatment laid down for children between the ages of 15 and 18 involved in the commission of crimes in that country, she wished to know the position of the Special Representative, of UNICEF and of the Office of the High Commissioner for Human Rights, and asked what links should exist between the Court and the National Commission for War-Affected Children set up in Sierra Leone.

35. Referring to the 36 undertakings achieved with regard to the protection of children in armed conflicts, 9 of which had been implemented, her delegation wondered what the Special Representative and UNICEF would do in order to achieve the implementation of the other commitments and how they would collaborate with each other.

36. She also requested details regarding the way in which the human-rights-based approach that UNICEF had programmed several years earlier would function in the field.

37. With regard to the report of the study group on United Nations peace operations (the Brahimi report – A/55/305-S/2000/809), which called for closer cooperation between peacekeeping operations and United Nations agencies in the field, she asked how UNICEF conceived its role with respect to United Nations peacekeeping operations and how the training of child-protection advisers was being conducted, since they were now an integral part of certain operations.

38. **Mr. Musenga** (Rwanda) called attention to paragraph 65 of the Secretary-General's report on children and armed conflict (A/55/163-S/2000/712),

which referred to the state of the justice system in Rwanda. It should be pointed out that minors of under 18 years of age were regarded as children in his country. Nevertheless, a child of 15 years of age should know that it was wrong to kill. That was why children who had committed acts of genocide in Rwanda were required to account for their acts before the courts. It should be pointed out, however, that the verdicts rendered by such courts took account of the age of the accused. As to the unacceptable conditions of detention in Rwandan prisons mentioned in the Secretary-General's report, that was a question of viewpoint. However, he supported recommendation 39 in the Secretary-General's report, under which genocide, war crimes and crimes against humanity and other egregious crimes perpetrated against children should be excluded from amnesty provisions contemplated during peace negotiations.

39. **Ms. Zoghbia** (Libyan Arab Jamahiriya) said that she, too, regretted the absence of the Special Rapporteur, Ms. Calcetas-Santos. She observed that the phenomenon of child soldiers could be explained by the existence of poverty, illiteracy, orphan status, the desire for a position and a voice in society, the widespread presence of light arms, the traffic in natural resources such as diamonds and, of course, drugs. Indeed, the children who participated in armed conflicts were most of the time under the influence of drugs. That made it even more difficult, after the end of the conflict, to reintegrate them in a society where they were condemned to coexist with their victims.

40. Her delegation was pleased to announce that the Government had recently acceded to ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and had deposited its instruments of ratification on 4 October. The Government was currently studying the two Optional Protocols to the Convention on the Rights of the Child with a view to acceding to them, and supported the proposed amendment to article 43 of the Convention.

41. Her delegation pointed out that street children were not taken into account in the reports before the Committee, whereas they should be the subject of special attention. She also emphasized the importance of a close partnership and a sharing of responsibility among States, non-governmental organizations, the United Nations system, the Special Representative for Children and Armed Conflict, the relevant special rapporteurs and the media.

42. **Ms. Armas** (Cuba) said she deplored the fact that the documentation had been late in reaching delegations. The report of the Special Representative of the Secretary-General (A/55/442) had not been distributed until that very morning. Although a preliminary version had been made available in advance, that was not the procedure laid down by the General Assembly. She stressed that documents must be distributed early enough to enable delegations to study them before the debates. She announced that the Cuban Government intended to accede on the following day to the two Optional Protocols to the Convention on the Rights of the Child.

43. She deplored the absence of the Special Rapporteur, Ms. Calcetas-Santos, whose report (A/55/297) was in many ways incomplete, bearing in mind all the information available on the seriousness of the phenomenon of the sale of children and child prostitution in the world. It lacked statistics, detailed information, references to such phenomena as trafficking in organs, a description of routes – although well known – used in the sale of children, and so on.

44. Furthermore, in her report the Special Rapporteur listed States which, by July 2000, had responded to a questionnaire sent to all Member States. However, Cuba had received its copy of the questionnaire only in July. Consequently, it had been unable to respond in time. Her Government was currently considering the questionnaire and preparing its reply. The incomplete nature of the report clearly indicated that the Special Rapporteur did not have sufficient means to discharge her mandate. Given the importance of the subject, the necessary resources should be made available so that she could provide accurate and detailed information on which the General Assembly could base its decisions.

45. Her delegation had read with great interest the report of the Special Representative (A/55/442). However, she noted with concern that the Security Council continued to take up questions which lay outside its mandate, namely questions of human rights, thereby encroaching on the prerogatives of other bodies. The Council had a clearly defined mandate for the maintenance of international peace and security, to which it should confine itself.

46. **Mr. von Kaufmann** (Canada) enquired what lessons had been drawn from the first two years of

collaboration between UNICEF and the Office of the High Commissioner for Human Rights in the training and deployment of child-protection advisers provided for in the new mandates for peacekeeping operations; and also what lessons had been drawn from the integration of the rights and protection of children in negotiations and peace agreements, particularly in Burundi, Northern Ireland and Sierra Leone.

47. He asked how UNICEF and the other United Nations agencies intended to meet the needs for protection of and assistance to displaced children, who, according to the statement just made by the Deputy Executive Director of UNICEF, numbered about 20 million. He also requested further information about the pilot programme for sensitization of peacekeeping personnel to children's rights which the Office of the High Commissioner for Human Rights was reported to be operating in collaboration with the Special Representative, and about the prospects of seeing that programme extended to all peacekeeping personnel.

48. **Ms. Ahmed (Sudan)** said that her Government appreciated the efforts made by the Special Representative to discharge his responsibilities and was ready to cooperate with him in the fulfilment of his mandate. Her delegation also wished to associate itself with the statements made by the representatives of the Libyan Arab Jamahiriya and Cuba, and especially in connection with the Cuban delegation's protest concerning the late issuance of documents. Lastly, she asked the Special Representative whether he intended, during the new phase of his mandate, to emphasize the need to integrate the protection and rights of the child in negotiations and peace agreements.

49. **Mr. Bhattacharjee** (India) said he found it unconscionable that the report on the protection of children affected by armed conflict (A/55/442) had been distributed only just before the opening of the meeting, as had already happened the previous year. He, too, deplored the absence of the Special Rapporteur, Ms. Calcetas-Santos – especially since the Committee had no other occasion on which to engage in a dialogue with her – and also found her report (A/55/297) inconsistent and inadequate. As to the Special Representative of the Secretary-General, who had gained the admiration of all by his work, he wished to point out that one aspect of the question had not been sufficiently dealt with. That was the question of poverty. It would be useful if a subsequent report broached that subject and made recommendations on the means of improving the lot of children.

50. **Mr. Al-Rubaie** (Iraq) asked why the Special Representative had refrained from speaking about the effects of sanctions on children. In fact, it had been stated in a UNICEF report that the sanctions regimes had become the main cause of child mortality, even before the outbreak of conflicts. Half a million Iraqi children had been killed by the sanctions regime imposed on Iraq since 1990.

51. **Mr. Otunnu** (Special Representative of the Secretary-General for Children and Armed Conflict), responding to the representative of Iraq, pointed out that the impact of sanctions on children remained one of the main concerns of his mandate. In his first two reports to the General Assembly, in 1997 and 1998, he had mentioned not only the question of the impact of sanctions on children, but also the specific case of Iraq. In the introduction to his report on the protection of children affected by armed conflict (A/55/442), he had noted that the report should be read in conjunction with the report of the Secretary-General on children and armed conflict (A/55/163-S/2000/712); he had served as focal point for the preparation of that report, which provided an overview and recommendations concerning sanctions. The reason why he had not included them in his own report was to avoid repetition. Lastly, in the statement he had just made, he had referred to the question of the impact of sanctions on children in situations where they were especially vulnerable.

52. Regarding the question raised by the representative of India, he confirmed that poverty was indeed part of his mandate as soon as it was placed in the context of armed conflicts. It was well known that conflicts aggravated poverty.

53. Replying to the question raised by the representative of the Sudan, he said that, in the second stage of his mandate, he would undertake follow-up activities as a matter of priority in areas where progress had been achieved during the first part of his mandate, and that of course included the integration of the needs and rights of children in negotiations and peace agreements.

54. Turning to the question raised by the Canadian representative, relating to lessons drawn from the deployment of child-protection advisers in certain peacekeeping operations, he pointed out that it was still

a new approach, and much remained to be learned. However, it could already be noted that the presence of such specialists in the very heart of the political structure of a peacekeeping operation had a considerable impact, especially in sensitizing the actors in the front line, by focusing policies on the question and setting up a central body which could be consulted by each actor. Regarding the question raised by the Canadian and Sudanese delegations concerning the integration of questions relating to children in negotiations and peace agreements, he said that the examples of Northern Ireland, Sierra Leone and Burundi had created a momentum which should be exploited. That is what he intended to do immediately, especially in the cases of Colombia and the Sudan. Among other things, that approach made it possible to ensure that the needs and rights of children were taken into account by all parties, to provide the standard-setting mechanisms for child protection, to strengthen the role of non-governmental organizations and local institutions in the protection of children, and to prepare, at that stage, the peace-consolidation phase following the conflict.

55. Replying to the representative of Rwanda, he said that he largely subscribed to the principle of a judicial procedure regarding children between the ages of 15 and 18 in the context of the Rwandan genocide. It should, however, be pointed out that the dialogue which he had undertaken with the Rwandan Government did not involve the issue of whether children should appear before the judicial bodies, since the question had already been dealt with. It concerned the need to ensure that the judicial procedures strictly respected international rules governing justice for minors, and the dreadful conditions for the detention of minors noted in Rwanda after the genocide. Summing up, he said he agreed with the Rwandan Government that children between 15 and 18 years of age were young adults who must be held accountable for what they did, but on condition that the rules and procedures applicable to minors were strictly respected.

56. Replying to the question raised by the French delegation concerning the Optional Protocol, he said that he and his colleagues were actively seeking to have the Protocol signed but above all to have it implemented. They hoped that it would enter into force before the end of May 2001, in other words one year after its adoption. That extremely important stage would enable him and his colleagues to redirect their energy and their means towards actions in the field with a view to persuading the parties to conflicts to respect the provisions of the Protocol.

57. He wished to point out, however, that there did not yet exist in the field, whether in the Democratic Republic of the Congo, in Colombia or elsewhere, the necessary capacities to receive, absorb and reintegrate child soldiers. It was therefore necessary to stress the urgent need for such capacities in order to give full meaning to the undertaking.

58. Replying to the question raised by the French delegation concerning undertakings given by the parties to conflicts, he pointed out that the very fact that those undertakings had been given represented already considerable progress. Of course, there still remained the question of establishing procedures to monitor the way in which the parties complied with their undertakings. In that regard, he counted on the assistance of the representatives and their Governments, which alone could exert the necessary diplomatic and economic influence on the parties, and thereby assist United Nations agencies in the field, especially UNICEF and the Office of the High Commissioner for Human Rights, in their monitoring work.

59. With regard to the proposed Special Court for Sierra Leone, he agreed that, at first sight, the Secretary-General's proposal to bring before the Court children aged between 15 and 18 years posed a dilemma. However, that problem would be resolved by itself, since the Secretary-General himself proposed that terms of imprisonment for minors should be replaced by options that were of a reforming or educational nature. It was also important to provide all guarantees regarding justice for minors.

60. As had been pointed out by the representative of Rwanda, an individual aged 15 was supposed to be able to distinguish between right and wrong and to know that it was wrong to kill. The threshold of 18 years of age was aimed at protecting children from violence and exploitation, and not to give them a licence to commit acts of violence themselves with full impunity. It was precisely because children could not be held liable for their acts that there existed a system of justice for minors. In the case of Sierra Leone, where atrocities had been committed to a large extent by children, it was necessary to attribute responsibility case by case, so as to distinguish which children had acted of their

own free will and those who had been coerced into acting.

61. **Mr. Roberfroid** (Deputy Executive Director, UNICEF) said he wished to reply to questions concerning UNICEF and, first, to the questions raised by the delegation of France. Regarding the implementation of the Optional Protocols to the Convention on the Rights of the Child, UNICEF was seeking to take maximum advantage of its permanent presence in the field in all countries where the implementation of the Protocols posed a problem. It had worked and continued to work closely with its field offices in order to heighten awareness of the Protocols among Governments, non-governmental organizations and, where it was in contact with them, the factions taking part in conflicts. UNICEF had translated the Protocols into a number of languages, organized discussion sessions about them and was seeking to set up as soon as possible the procedure for presenting its reports on the implementation of the Protocols to the Committee on the Rights of the Child. It also relied systematically on its network of country offices and on the national committees of the Northern countries to pursue a compaign for the ratification of the Protocols. The weeks and months to come would reveal whether those efforts were successful.

62. With regard to Sierra Leone, he summarized the gist of the debate. Basically, it went without saying that UNICEF did not support in any way the idea that young people of 15 to 18 years of age could not at all be held responsible for their acts. UNICEF, like the Special Representative, hoped that the atrocities committed by young people would be investigated and that efforts would be made in particular to know to what extent the atrocities had been committed under the effect of intolerable pressure or had been committed freely. He also considered it essential – and on that point, he was also in agreement with the Special Representative – that if the responsibility of young people who had committed atrocities was proved, the measures taken should not be measures for adults, such as terms of imprisonment, but rather measures for minors. In that context, he supported the idea of setting up, in Sierra Leone, Rwanda and other countries, truth and reconciliation commissions which would make it possible to establish to what extent young people who had committed atrocities had been caught up in circumstances or had been left behind by events, and to take charge of them.

63. With regard to follow-up to the undertakings given by the parties to a conflict, the means were not always equal to the problems which UNICEF had to face; in some regions, access was difficult and there were times when it was almost impossible to carry out an investigation. However, UNICEF had the advantage of being present in the field, was closely associated with the visits of the Special Representative and had been kept fully informed of the undertakings given.

64. On the question of specialists to protect children's rights, they were part of the machinery recently put in place to ensure that the undertakings given by the parties to a conflict became a reality. It was still rather premature to assess their effectiveness, but it could be argued that they had already enabled results to be obtained. The UNICEF headquarters and country offices were working in close association with them, either to exchange information or to coordinate measures.

65. It was also premature to say whether the recommendations in the report of the study group on United Nations peace operations (the Brahimi report – A/55/305-S/2000/809) had produced results. UNICEF was actively involved in the work of various working groups, committees and commissions entrusted with follow-up. In his view, it was essential to consult all the agencies present in the field, especially humanitarian organizations, to evaluate the humanitarian effects of military decisions and to take the necessary steps in behalf of the populations affected.

66. In the case of displaced children, new problems were arising. There had been cases in recent years where a large number of children had left no trace of their whereabouts. To resolve that problem, UNICEF was working in close cooperation with the Office of the High Commissioner for Refugees, whose presence in the field was widespread, and was seeking to develop rapid-intervention procedures which were aimed not only at solving physical problems relating to displaced children but also at enabling them to exercise some of their basic rights, especially the right to education. Thus, in the Great Lakes region, UNICEF was involved, together with UNESCO, in providing education to displaced children without waiting for their physical situation to improve, so that they could develop mentally, acquire knowledge and regain confidence in the future.

67. The rights-based approach adopted by UNICEF consisted in elaborating country programmes while systematically observing the provisions of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, with a strong emphasis on economic and social rights. That enabled a number of countries to grasp the concept of children's rights in a much more concrete and convincing way. UNICEF was currently seeking to integrate that approach into the United Nations Development Assistance Framework and, in particular, into the common country assessment.

68. **Ms. Stamatopoulou-Robbins** (Deputy Director, New York Office of the High Commissioner for Human Rights), said she would reply first to the question raised by the French delegation regarding the absence of direct recourse to the Committee on the Rights of the Child by the individuals concerned in cases of violation of the new age-limit laid down by the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. She agreed that, from the procedural standpoint, that was a shortcoming of the Protocol. However, it could be reasonably expected that the Committee on the Rights of the Child, as in other cases, would provide an interpretation of the provisions of the Optional Protocol and indicate how to apply them, both by the public authorities and by the other actors, including the family and the media. As to the role of the Office of the High Commissioner for Human Rights in the implementation of the Protocol, it could be expected to consist in helping treaty bodies, and hence the Committee on the Rights of the Child, by providing it with technical assistance and by conducting awareness-raising activities.

69. As to the setting up of a Court in Sierra Leone, the Office of the High Commissioner had participated in discussion seminars held in the Secretariat, at which it had proposed the adoption of the highest possible standards regarding the minimum age for recruitment of combatants – namely, those provided for in the Protocol on the involvement of children in armed conflict – and the highest possible standards regarding justice for minors.

70. Turning to the question raised by the Canadian delegation, she indicated that training courses in the protection of children's rights were conducted in peacekeeping operations, in cooperation with United Nations agencies and the partners outside the United Nations system.

71. **Ms. de Carné** (France), speaking on behalf of the European Union and the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, as well as Liechtenstein for the European Economic Area, said that the 15 States members of the European Union had signed the two Optional Protocols to the Convention on the Rights of the Child and had undertaken to ratify them at the earliest opportunity. It was very pleasing to note the existence of those two standard-setting texts, one of which raised to 18 the age of recruitment and involvement in armed conflicts and the other provided a sound definition of prostitution, pornography and the sale of children. Obviously, they must be implemented in order to ensure fulfilment of those commitments.

72. The European Union welcomed the fact that the Security Council, in August 1999 and then in July 2000, had taken up the question of children in armed conflicts; it took note of Council resolution 1314 (2000) and hoped that the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, to be held in 2001, would lead to concrete action by the international community.

73. Since action at the world level should be supported by action at the regional level, the European Union welcomed the interest which the Organization of African Unity and the African countries had shown, as well as the increased attention given by OSCE to the rights of the child. The Winnipeg International Conference on War-Affected Children had enabled the participants to envisage, in preparation for the special session of the General Assembly devoted to follow-up to the World Summit for Children, elements which could be included in an action programme, namely, education, the fight against AIDS, greater participation by children in formulating and implementing humanitarian programmes affecting them, and the prosecution of the perpetrators of violations of the rights of the child.

74. Regarding the sexual exploitation of children, which took increasingly insidious forms that were difficult to combat, much remained to be done to deal with the complex legal and social aspects of the question. The measures already adopted at the Stockholm World Congress against Commercial Sexual

Exploitation of Children and the resulting awareness must not stop there, and the forthcoming conference to be held in Yokohama to assess action taken thus far would, it was hoped, provide the occasion for further progress. The European Union considered that there was a need for parallel action on all fronts: the fight against poverty, suppression of trafficking, prosecution of those responsible, education and training, and rehabilitation of child victims; and that all parties concerned must be mobilized, that international cooperation must be strengthened by multilateral, regional and bilateral arrangements as necessary, and that the private sector (tourism industry, Internet exploiters) must be mobilized.

75. The European Union commended the work accomplished by the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, since child exploitation was not confined to the sexual aspect but also involved children's labour or their bodies in all possible ways.

76. The European Union considered that the countries which had signed and ratified the two Protocols should also undertake to ratify the Convention on the Rights of the Child, if they had not yet done so, or to ensure that it was implemented, which presupposed full and unconditional ratification or accession. The European Union would continue firmly to oppose reservations that were contrary to the purpose and spirit of that instrument and to request their withdrawal. She wished, in passing, to commend the work of the Committee on the Rights of the Child, whose task would become even more burdensome since it would be required to monitor the implementation of the two Optional Protocols. Its lack of human and financial resources was therefore a matter of extreme concern, and it was of the highest importance that the amendment to article 43, paragraph 2, of the Convention raising the number of experts in the Committee from 10 to 18 should be accepted by all States parties.

77. Regarding the administration of juvenile justice, the European Union considered that the deprivation of liberty as applied to children should be used as a last resort; it appealed in particular to those countries, admittedly very few, which maintained the death penalty for minors at the time of the offence, in contravention of the Convention on the Rights of the Child and of article 6, paragraph 5, of the International Covenant on Civil and Political Rights. The European Union, concerned that torture might be applied to children, called on all States which had not yet done so to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

78. In the conviction that the basic rights of children could not be fully respected so long as poverty prevailed and that the realization of their economic, social and cultural rights was extremely important for their development, the European Union traditionally included in the draft resolution it submitted to the General Assembly a passage on street children. It acknowledged the work accomplished by UNICEF and UNDP in the struggle against poverty; it called on the international community, the United Nations, States and non-governmental organizations to unite their efforts to eradicate the AIDS epidemic, which so cruelly affected children, and emphasized the need to protect children suffering from AIDS from all forms of discrimination.

79. An important aspect of the fight against exclusion was the right to education, especially primary education, and particularly for girls. It was also necessary for a physically or mentally disabled child to live in dignity and self-reliance. An education in the field of human rights, tolerance and the exercise of democracy should be provided to children in order to prepare them for their conduct as adults. Children must also be taught to fight against manifestations of racism and negative stereotypes and to protect those who were victims of discrimination. The Union hoped that young people, especially through the intermediary of non-governmental organizations, would become actively involved in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in South Africa.

80. The European Union keenly awaited the special session of the General Assembly to be held in September 2001 on follow-up to the World Summit for Children, which would provide the occasion for new commitments.

81. **Mr. Tirado Mejía** (Colombia), speaking on behalf of the member countries of the Rio Group, said that the Group had always given special consideration to the promotion and protection of the rights of the child, as part of its regional development programmes. The member countries had at their disposal various regional and international legal instruments to guide

them in the defence and promotion of the rights of the child, including the Convention on the Rights of the Child, which had been ratified by all the member countries of the Rio Group, and the instruments drawn up by the Inter-American Children's Institute, founded in 1927 with the aim of supporting policies relating to childhood, fostering the bonds between the State and civil society, and shaping a regional awareness of the problems of children. Those instruments would shortly be complemented by the two Optional Protocols to the Convention on the Rights of the Child, which the majority of the member countries had already signed or were in the process of signing. Despite all the progress made in protecting children, much remained to be done. In many parts of the world, including Latin America and the Caribbean, countries still lagged in meeting their obligations to children, as confirmed by many reports. For those reasons, the countries of the Rio Group considered it necessary more than ever to protect and promote the rights of children, and for all countries to respect their moral commitment vis-à-vis the children. In that regard, they recognized the valuable work of the United Nations system in protecting and promoting the welfare of children, and notably the contribution made by UNICEF to national authorities, with the aid of civil society, in the implementation of national plans and programmes for the benefit of children.

82. The member countries of the Rio Group supported the work of the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography. The Rio Group condemned the recruitment of minors as soldiers and armed operations deliberately targeted against children, and attached great importance to the visits made by the Special Representative to areas of conflict where children were most exposed to those dangers. They called upon all parties to armed conflicts to cease those practices.

83. The countries of the Rio Group, anticipating that the two Optional Protocols to the Convention recently adopted would demand a great deal of attention from the Committee on the Rights of the Child, urged States which had not yet done so to accept the amendment to article 43, paragraph 2, of the Convention raising the number of experts from 10 to 18.

84. **Ms. Yanagawa** (Japan) said that, despite the adoption of the two Optional Protocols to the Convention on the Rights of the Child, strong political will and concrete action were needed in order to combat problems which prevented children from growing up in the harmonious environment described in the Preamble to the Convention on the Rights of the Child, adopted in 1989. Ongoing conflicts around the world had long-term effects on children's physical and psychological development, and the plight of children was now widely known, thanks to the efforts of the Special Representative of the Secretary-General for Children and Armed Conflict, UNICEF and other actors, including non-governmental organizations, which had urged the international community to strengthen its efforts in that field.

85. At the meeting of Ministers for Foreign Affairs of the G-8 industrialized countries, held in the context of the G-8 Summit in July 2000 in Japan, the members had expressed their strong commitment to promoting the protection, welfare and rights of children throughout the process of consolidating peace in the aftermath of conflict, including through reintegration of former child soldiers in peace-support operations. Japan was preparing to co-host an expert workshop in November 2000, with the focus on reintegration of child soldiers into society, the purpose being to exchange information on lessons learned and the best practices as well as to promote further coordination among the various actors in that field.

86. Gravely concerned about the sexual exploitation of children, the Government of Japan would host, from 17 to 20 December 2001, in cooperation with UNICEF and non-governmental organizations, the Second World Congress against Commercial Sexual Exploitation of Children, the purpose being to promote implementation of the Agenda for Action adopted at the first World Congress in 1996.

87. With a view to supplementing existing legislation, the Diet had adopted a law on child abuse which was scheduled to come into effect in November 2000. It assigned to the public responsibility for reporting child abuse to the authorities. The Government placed emphasis on early detection, early response and rehabilitation of both victims and perpetrators.

88. Japan hoped that the special session of the General Assembly on follow-up to the World Summit

for Children, to be held in 2001, would not be given over to rhetoric, but would produce action, and Japan would be actively participating in those efforts.

89. **Mr. Urib** (Namibia), speaking on behalf of the Southern African Development Community (SADC), namely Angola, Botswana, the Democratic Republic of the Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, the United Republic of Tanzania, Zambia and Zimbabwe, drew attention to the Millennium Declaration, which had stated that the leaders had a duty to all the world's people, especially the most vulnerable and, particularly, the children. The international community was already taking action in that sphere, but the activities required increased collaboration, adequate funding and tangible political commitment from all States. The member countries of SADC noted with satisfaction that the Secretary-General, in his report on children and armed conflict (A/55/163-S/2000/712), had stated that children were victims as both targets and perpetrators of violence, that they were refugees or displaced in their own country and separated from their family, and that the HIV/AIDS pandemic was spreading rapidly within areas of conflict. SADC welcomed the fact that, since October 1999, the Security Council had devoted debates, resolutions and presidential statements to the protection of war-affected children, and saluted the inclusion of child protection in the mandates of United Nations peacekeeping operations in Sierra Leone and the Democratic Republic of the Congo, and also the deployment of child-protection advisers in both operations. Statistics indicated that, in the approximately 50 countries embroiled in conflict, there were around 300,000 child combatants under the age of 18 years and that each month large numbers of children were killed or maimed by landmines.

90. In its capacity as president of the Security Council for October 2000, Namibia had decided to hold an open debate on 24 October 2000 concerning women, peace and security, in the light of the contributions that the Council could make to improving women's protection in armed conflict and thereby the protection of children. Due account should also be taken of the Ministerial Declaration adopted at the Winnipeg International Conference on War-Affected Children (A/55/467-S/2000/973), and the critical study carried out by Ms. Graça Machel, dealing with progress achieved and remaining obstacles to improving the protection granted to children affected by armed conflict.

91. SADC welcomed the adoption by the General Assembly of the two Optional Protocols to the Convention on the Rights of the Child. In November 1999, a forum had been organized in the Democratic Republic of the Congo, with the cooperation of UNICEF, on the demobilization and reintegration of child soldiers, the objective being to share experiences among countries with similar situations and to solicit support from bilateral and multilateral partners. SADC encouraged Member States to incorporate in their national legislation the principle of limiting the enrolment of children in the military to a minimum of 18 years of age, as provided for in the relevant Optional Protocol to the Convention.

92. Despite the remarkable progress achieved in the 1990s (in which 80 per cent of young children in developing countries had been immunized; polio was on the verge of eradication; more children than ever before were enrolled in schools; and iodized salt was now being used on a wide scale), too many children were still dying from treatable diseases brought about by various causes linked to poverty and violence and by the AIDS pandemic. In 1999, over 500,000 children, largely in sub-Saharan Africa, had been HIV positive.

93. The special session of the General Assembly in 2001 on follow-up to the World Summit for Children would offer an opportunity to review the Summit goals at the highest political level; similarly, the special session of the General Assembly to review the problem of HIV/AIDS would provide another opportunity for concrete actions.

94. SADC welcomed the continued interaction and collaboration of various United Nations agencies such as UNICEF, the Office of the High Commissioner for Refugees and the Office of the High Commissioner for Human Rights with organizations like Save the Children and Action for the Rights of Children. SADC was pleased to see the increased recognition of the importance of education to child survival and development, even in the midst of conflict. It supported the proposal of the Office of the High Commissioner for Refugees to launch a refugee-education trust; it also hoped that the funding currently sought by that Office, in collaboration with UNICEF, from the Ted Turner Fund through the United Nations Foundation would be successful.

95. SADC was grateful to the Secretary-General for having launched his Girls' Education Initiative at the World Education Forum held in Dakar in April 2000, as well as making girls' education a priority in his report to the Millennium Assembly (A/54/2000). UNICEF and Ms. Annan had co-sponsored the Millennium Assembly Forum for girls' education. The members of SADC hoped, in that context, that the Member States would once again support the annual resolution on the girl child.

The meeting rose at 1.05 p.m.